



VIA E-MAIL

July 6, 2020

Ben Heckscher
MuckRock News
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Re: Freedom of Information Act Request – 20-FOI-00160

This is in response to your June 17, 2020 request for information made under the Freedom of Information Act (FOIA).

Request:

Your request seeks the agenda and minutes for any meeting of Amtrak's Board of Directors that occurred during the month of October 2019.

Response:

Attached are records being released to you in part. Portions of these records are being withheld under FOIA Exemption 5.

Exemption 5 protects certain records exchanged within or between agencies that are normally privileged in the civil discovery context, such as records protected by the *deliberative process privilege* (provided the records are less than 25 years old), attorney work-product privilege or attorney client privilege.

Records being withheld under the *deliberative process privilege* of Exemption 5 are both predecisional and deliberative. They do not contain or represent formal or informal Amtrak policies or decisions. They are the result of frank and open discussions. Their contents are confidential and public dissemination of the deliberative process records in this case would have a chilling effect on the Amtrak's deliberative processes and expose Amtrak's decision-making process. *Renegotiation Bd. v. Grumman Aircraft Eng'g Corp.*, 421 U.S. 168, 184 (1975).

If you have any questions regarding the processing of your request, please feel free to contact me at rebecca.conner@amtrak.com or at (202) 906-3215. For further assistance and to discuss any aspect of your request you may also contact our FOIA Public Liaison at FoiaPublicLiaison@amtrak.com. Additionally, you may contact the Office of Government Information (OGIS), National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001, e-mail at ogis@nara.gov, telephone at 202-741-5770; toll free at 1-877-684-6448; or fax 202-741-5769.

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Pursuant to Amtrak's FOIA regulations (49 CFR 701.10), if you do not agree with Amtrak's response, you may file an appeal with Eleanor D. Acheson, Executive Vice President, Chief Legal Officer, General Counsel and Corporate Secretary, within ninety days (90) of the date of this letter, specifying the relevant facts and the basis for your appeal. Your appeal may be mailed to Ms. Acheson's attention: National Railroad Passenger Corporation, Law Department, 1 Massachusetts Avenue, NW, Washington, DC 20001. The President and CEO of Amtrak has delegated authority to the General Counsel and Corporate Secretary for the rules and compliance to the FOIA.

Sincerely,

Rebecca Conner
Manager, Records and Information Management